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EXAMINER

BEAMER, TEMICA M

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,087

Applicant(s)

STARKS ET AL.

Examiner

Temica M. Beamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/29/2004 with respect to the rejection(s) of claim(s) 1-11 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Mintz, U.S. Patent No. 6,266,527 as set forth below.

2. Applicant's arguments filed 11/29/2004 with respect to claims 12-26 have been fully considered but they are not persuasive.

Applicant argues that Heinonen fails to disclose at least one sensor that provides at least one output related to a component. The examiner, however, disagrees. Heinonen discloses numerous components that are measured. They include air humidity, carbon monoxide, pollen, ozone, hydrocarbons, dust, etc. The examiner is interpreting these environmental phenomena as components since they are *a part of* the air (i.e., by using the definition of component in its broadest interpretation). Based on the above remarks, claims 12-26 stand rejected as set forth below.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 31 recites the limitation "the component" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-10, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Mintz, U.S. patent No. 6,266,527.

Regarding claim 1, Mintz discloses a system for viewing measurements remotely, comprising: a processor that is connected to a wireless communications device, wherein the processor is programmed to retrieve at least one measurement from at least one measurement device via the wireless communications device (col. 4, lines 6-34, col. 4, lines 45-63).

Regarding claim 3, Mintz discloses the system of claim 1, further comprising a user interface connected to the processor (col. 4, lines 59-63).

Regarding claim 4, Mintz discloses the system of claim 1, wherein the processor is further programmed to configure the measurement device (col. 4, lines 6-12; figure 2).

Regarding claim 5, Mintz discloses the system of claim 1, wherein the processor is further programmed to perform at least one of: displaying data that has been retrieved from the measurement device, analyzing data that has been retrieved from the measurement device, and storing data that has been retrieved from the measurement device (col. 4, lines 56-63).

Regarding claim 6, Mintz discloses the system of claim 1, wherein the processor is included in a computer that is selected from the group consisting of a custom-designed computing device, a desktop personal computer, a laptop personal computer, a handheld computer, and a java-enabled portable computing device (col. 4, lines 49-58; figures 1 and 2).

Regarding claim 7, Mintz discloses the system of claim 1, further comprising a wireless network (figures 1 and 2).

Regarding claim 8, Mintz discloses the system of claim 7, wherein the wireless communications device sends signals to the measurement device via the wireless network (col. 4, lines 6-63; figure 2).

Regarding claim 9, Mintz discloses the system of claim 7, wherein the measurement device sends signals to the wireless communications device via the wireless network (col. 4, lines 6-63; figure 2).

Regarding claim 10, Mintz discloses the system of claim 1, wherein the measurement device is selected from the group consisting of inherently a gauge and a transducer as evidenced by the fact that signals are being measuring (col. 4, lines 11-23).

Regarding claims 30 and 31, Mintz discloses wherein the measurement relates to a component (i.e., the RF signal), wherein the component is a component in a vehicle (i.e., the air carrying the components, since vehicle in its broadest sense means a carrier) (figure 2).

7. Claims 12, 13, 19-29 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Heinonen (Heinonen), U.S. Pub. No. 2002/0119769.

Regarding claim 12, Heinonen discloses a system comprising: at least one sensor that provides at least one output related to a component; and at least one measurement device comprising a processor programmed to (1) receive as an input the output from the sensor and (2) wirelessly communicate with a remote device (0035-0037, 0042).

Regarding claim 13, Heinonen discloses the system of claim 12, wherein the processor is further programmed to convert the input to a measurement (0035-0037).

Regarding claim 19, Heinonen discloses the system of claim 12, further comprising a wireless network (figure 1).

Regarding claim 20, Heinonen discloses the system of claim 19, wherein the remote device sends signals to the measurement device via the wireless network (figure 1).

Regarding claim 21, Heinonen the system of claim 19, wherein the measurement device sends signals to the remote device via the wireless network (figure 1).

Regarding claim 22, Heinonen discloses the system of claim 12, wherein the measurement device is selected from the group consisting of inherently a gauge and a transducer (0035-0037).

Regarding claim 23, Heinonen discloses the system of claim 12, wherein the measurement device comprises a second wireless communications device that is capable of being attached to at least one second measurement output device (figure 1).

Regarding claim 24, Heinonen discloses the system of claim 12, wherein the processor is further programmed to receive configuration information from the remote device (0042).

Regarding claim 25, Heinonen discloses the system of claim 12, wherein the remote device is selected from the group consisting of inherently a custom-designed computing device, a desktop personal computer, a laptop personal computer, a handheld computer, or a Java-enabled portable computing device (0035-0037).

Regarding claim 26, Heinonen discloses a system for viewing measurements remotely, comprising a first processor that is connected to a wireless communications device; at least one sensor that provides at least one output related to a component; and at least one measurement device comprising a second processor programmed to (1) receive an input from the sensor and (2) wirelessly communicate with the first processor, wherein the first processor is programmed to retrieve measurements from the measurement device via the wireless communications device (0035-0037, 0042; figure 1).

Regarding claims 27 and 32, Heinonen discloses wherein the component is a component in a vehicle (i.e., the air carrying the components, since vehicle in its broadest sense means a carrier).

Regarding claims 28 and 33, Heinonen discloses wherein the at least one sensor is a plurality of sensors (0041).

Regarding claims 29 and 34, Heinonen discloses wherein the at least one measurement device is a plurality of measurement devices (0037).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mintz in view Heinonen.

Regarding claim 2, Mintz discloses the system of claim 1 as described above. Mintz, however, fails to disclose wherein the measurement represents at least one output from a sensor.

Heinonen discloses this limitation (0035).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Mintz with the teachings of Heinonen since it is well known to utilize sensors in wireless environments. Further such a feature would be

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desirable to observe environmental phenomena which could affect users in the wireless system (Heinonen, 0035).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mintz.

Regarding claim 11, Mintz discloses the system of claim 1 as described. Mintz, however, fails to disclose wherein the wireless communications device is capable of being attached to at least one second measurement output device.

However, the examiner believes that the above limitation would not render the claims patentable over the applied reference because it merely depends on the number of measuring devices one would like in the system without changing the scope of the invention in the applied reference. Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Mintz with multiple measurements for the purpose of obtaining more data about the system.

11. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen.

Regarding claims 13-18, Heinonen discloses the system of claim 12 as described above.

Heinonen, however, fails to specifically disclose the limitations of claims 13-18. However, the examiner believes that the limitations of claims 13-18 would not render the claims patentable over the applied reference because they merely depend on what type of and how information is desired to be measured, without changing the scope of

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the invention in the applied reference. Therefore, at the time of invention it would have been obvious to a person of ordinary skill in the art to modify Heinonen with the limitations of claims 13-18 for the purpose of having more ways to measure signals.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fiut et al, U.S. Patent Pub. No. 2003/0162539, discloses a system and method for remote monitoring of base stations.

Molinari et al, U.S. Patent No. 6,308,065, discloses an apparatus for testing cellular base stations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

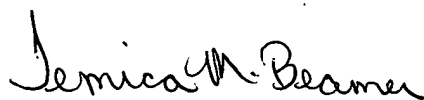
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer
Primary Examiner
Art Unit 2681

April 18, 2005


TEMICA BEAMER
PRIMARY EXAMINER